

REMARKS

Claims 23-32 and 35-51 are pending. By this Amendment, claims 31, 32, 35-41, 44, 48, 49 and 51 are amended, and claims 33 and 34 are cancelled. Claims 31, 32, 35-40, 44, 48 and 51 are amended as suggested by the Examiner in order to address the rejection under 35 U.S.C. §101. Claims 41, 44, 49 and 51 are amended to even more clearly distinguish over the applied references. Support for the amendments to claims 41, 44, 49 and 51 can be found in the original specification at, for example, page 20, lines 7-11 and page 26, lines 12-16. Thus, no new matter is added by the above amendments.

Applicants note with appreciation the allowance of claims 23-30 and 45-47.

Applicants submit that all pending claims are in condition for allowance as detailed below.

Claims 31-40, 44, 48 and 51 stand rejected under 35 U.S.C. §101. As noted above, the claims have been amended as suggested by the Examiner in order to overcome this rejection. Withdrawal of the rejection is requested. Applicants submit that claims 31, 32, 35-40 and 48 are in condition for allowance as no other rejection has been made against these claims.

Claims 41, 42, 44, 49 and 51 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,619,347 to Taniguchi et al. in view of U.S. Patent No. 4,794,448 to Takizawa. This rejection is respectfully traversed.

The combination of Taniguchi et al. and Takizawa does not disclose or suggest the combinations of features recited in independent claims 41, 44, 49 and 51. In particular, the references do not disclose or suggest: (i) extracting an area manifesting a frequency equal to or lower than a predetermined frequency value based upon a hue frequency distribution among the plurality of partition areas, and then (ii) performing white balance adjustment (as recited in independent claims 41 and 44) or calculating white balance gains (as recited in independent claims 49 and 51) based upon pixel outputs corresponding to the individual

colors from the extracted area, wherein the white balance adjustment (or gain) is not based upon pixel outputs from any area that was not extracted.

The portions of Taniguchi et al. relied upon in the Office Action for allegedly disclosing the claimed extracting units or processes and white balance adjustment units or processes (or white balance gain calculation units or processes) perform the white balance adjustment or white balance gain calculation based upon pixel outputs from all areas of the image. In particular, Taniguchi et al. does not extract the simplified hue regions in the simplified hue histogram with frequencies equal to or lower than a predetermined frequency value. As described, for example, at col. 33, lines 34-38 of Taniguchi et al., the histogram type recognizing unit recognizes a color distribution type of the simplified hue histogram by distinguishing a distribution condition of six types of simplified hue region numbers Hhum present in the simplified hue histogram. The histogram type recognizing unit merely detects a distribution of the histogram in order to calculate a relaxation factor in units 53-55. The white balance information WP and AVE, however, is determined based upon all the simplified hue regions so as to concisely adjust the white balance information. In other words, Taniguchi et al., while distinguishing between the different hue regions, still determines the white balance adjustment based upon the pixel information in each hue region, using the determined relaxation value for each of those regions. Accordingly, Taniguchi et al. does not disclose or suggest the combinations of features recited in independent claims 41, 44, 49 and 51. Takizawa also does not disclose these features, and the Office Action does not rely upon Takizawa for such features. Withdrawal of the rejection is requested.

Claims 43 and 50 stand rejected under 35 U.S.C. §103(a) over Taniguchi et al. in view of Takizawa, and further in view of U.S. Patent No. 5,473,375 to Takayama et al. This rejection is respectfully traversed. Claims 43 and 50 are patentable for at least the same

reasons as their corresponding independent claims 41 and 49. Withdrawal of the rejection is requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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MAC/ccs

Attachment:

Petition for Extension of Time

Date: August 7, 2006

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